

April 5, 2019

2019-2020 Legislative Session

*Legislative News* is a publication prepared and distributed by the South Carolina Department of Mental Health (DMH) Office of Public Affairs to keep you informed of bills introduced in the General Assembly that may affect the DMH, mental health, health care issues, or employee issues. In addition, we will provide budget information and general news from the General Assembly. You can also access the complete bill text online by clicking the link at the end of each description, OR visiting <http://www.scstatehouse.gov>.

This publication is also available on the DMH Internet and Intranet sites. However, if you do not have access to the site and wish to receive a copy of the update, call us, and we will send you one in the mail. If at any time you have questions or need more information about bills or other legislative issues, contact the Office of Public Affairs at (803) 898-8582 or [tracy.lapointe@scdmh.org](mailto:tracy.lapointe@scdmh.org).

## Senate Bills – click on the bill number for full text.

### **S 8 Behavioral and Public Health – Peeler**

This bill would rename the Department of Health and Environmental Control the "Department of Behavioral and Public Health", make it a Cabinet agency, and create within it a Division of Public Health (and transfer environmental-related responsibilities to the Department of Agriculture). The bill would abolish the SCDMH and SC Mental Health Commission, as well as the Department of Alcohol and Other Drug Abuse Services, and transfer the responsibilities of both to the Division of Public Health.

*Introduced, read first time, and referred to Medical Affairs Committee, 1/08/19.*

### **S 132 PA Act of 2019 (similar H 3399) – Davis, Nicholson, Hutto, M.B. Matthews, Kimpson, Alexander and Scott**

This bill would amend several statutes to provide that physician assistants may be considered primary care providers or mental health providers when practicing in the medical specialties requiring physicians to be primary care providers or mental health providers. Further, it would clarify the effect on related working relationships and scopes of practice, among other things.

*Read third time and sent to the House 3/21/19; introduced, read first time, and referred to Medical, Military, Public and Municipal Affairs Committee 3/26/19.*

### **S 197 Department of Aging and Vulnerable Adult Services – Shealy, Climer**

This bill would require the Department of Aging, the Department of Social Services' Adult Protective Services program, the Governor's Division on Aging, or the Lieutenant Governor's Office on Aging to establish a Department of Aging and Vulnerable Adult Services.

*Introduced, read first time, and referred to Family and Veterans' Services Committee, 1/08/19.*

### **S 303 Mental Health Transport (similar H 3592) – Kimpson, Shealy, Fanning, Davis**

This bill relates to the custody and transport of individuals believed to have mental illness and requiring immediate care; it would require that state or local law enforcement officers who transport these patients be part of a "therapeutic transport unit" and have undergone mental health and Crisis Intervention Training. The bill further requires that the physician responsible for the individual's care notify a friend or relative of the patient that they may transport the patient to the indicated mental health facility, and that the friend/relative freely chooses to assume responsibility and liability for the transport.

**DMH remains been actively engaged with stakeholders, legislators and staff to discuss issues associated with this bill.**

*Referred to Medical Affairs Committee, 1/08/19; received favorable with amendments Committee report 3/21/19. Read second time 4/03/19.*

## House Bills – click on the bill number for full text.

### **H 3273 Vulnerable Adult Maltreatment Registry Act – G.R. Smith, Bernstein, Clary, V.S. Moss, Cobb-Hunter, Burns, Huggins, Long**

This bill would create a "Vulnerable Adult Maltreatment Registry", requiring the South Carolina Law Enforcement Division and the South Carolina Department Of Social Services to determine whether reports of vulnerable adult abuse, neglect, or exploitation are indicated, whether there is a known perpetrator of the maltreatment. It would place certain persons determined to have abused, neglected, or exploited a vulnerable adult on the Registry, and limit access to the Registry and prohibit release of reports, with exceptions.

*Introduced, read first time, and referred to Judiciary Committee, 1/08/19.*

#### **H 3257 Comprehensive Health Education**

This bill would require the State Board of Education to develop instructional units and coursework concerning mental health and wellness, including one, elective unit of study in mental health to seventh and ninth grade students.

*Introduced, read first time, and referred to the Education and Public Works Committee, 1/08/19.*

#### **H 3438 Division of Veterans Affairs – Pitts, McCravy, B. Cox, Huggins, Cobb-Hunter, Hixon, W. Cox, Taylor, Davis, Caskey & Mace**

This bill creates a Division of Veterans Affairs to the Executive branch of State Government, the director of which would be appointed by the Governor and confirmed by the General Assembly. It would create the Division's powers, duties, and functions, which would include cooperation with other governmental units, such as cities and counties, or federal agencies concerned with participation in related federal grants-in-aid programs. The bill would further require the Department to submit a written report describing nursing homes, the number of residents received by and discharged from those homes during the preceding year, occupancy rates, staffing, receipts and expenditures, etc., to the Governor annually.

*Passed by the House 2/27/19; sent to Senate and referred to Family and Veterans' Services Committee, 2/28/19. Received favorable with amendments report from Committee 3/13/19; read third time and returned to House with amendments, 3/21/19. Concurred in Senate amendment and enrolled 4/03/19.*

#### **H 3602 Patient Consent – Rose and Caskey**

This bill relates to individuals who may make healthcare decisions for patients who are unable to consent, adding the category of "a person who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes."

*Received favorable with amendments report from Judiciary Committee 3/20/19; amended 3/27/19. Read third time and sent to Senate 3/28/19; Senate introduced, read first time, and referred to Medical Affairs Committee 4/02/19.*

#### **H 4249 Working Retirees (similar H 3260) – Daning**

This bill would eliminate the earnings limitation for State government retirees returning to positions covered under the SC Retirement System and Police Officer Retirement System.

*Introduced, read first time, and referred to Ways & Means Committee, 3/19/19.*

### **Legislative Oversight Update**

In 2014, the Legislature passed a law providing for the House and the Senate to each, separately, perform a periodic review of all State agencies. The Senate selected SCDMH for review in 2015, issuing its final report in March of 2016. In 2018, the House of Representatives selected SCDMH for study.

The purpose of these reviews is to inform the Legislature in detail about an agency's programs and operations and to ensure the Agency is operating as the State intended. Stewart Cooner, director of Special Programs and Telepsychiatry, will serve as the SCDMH liaison to the House staff conducting the Study, and employees throughout the Agency will work with him to provide information sought by the legislative staff.

Thus far, SCDMH has provided extensive written background information to the House Legislative Oversight Committee (LOC), as requested. The full LOC took comments from the public at a hearing on January 14, 2019, wherein several advocates provided positive feedback about SCDMH. This testimony and all future hearings is available for viewing at this URL: [www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyPHPFiles/MentalHealth.php).

In February, the review began before a four-member sub-committee. SCDMH staff provided in-depth presentations about the Agency's history and operations. Director Binkley gave an interesting and information overview of the agency, its history and the evolution of mental health care. In addition, leadership from the Division of Inpatient Services presented detailed information about its services. On April 2, the Division of Community Mental Health Services began presenting information about outpatient programs and services. The information has been well received by the committee and staff. To date, there have been five sub-committee hearings, the next of which is scheduled for Tuesday, April 23.

Future *Legislative News* editions will include updates on the progress of the Study until its completion.

## Budget Update

The House of Representatives' FY20 budget recommendation includes the following with regard to state employees:

- Employee pay – 2% Cost of Living Adjustment
- Health insurance – coverage of entire premium increase for current state employees and retirees
- Retirement – coverage of additional retirement increases

The Department presented its FY20 budget request to the Executive Budget Office October 24, 2018, the Senate Finance Health and Human Services Budget Subcommittee December 5, 2018, and the House Ways & Means Healthcare Subcommittee February 5.

The table below shows DMH's FY20 budget request side-by-side with recommendations from the Governor's Office and House of Representatives.

### SCDMH FY 20 Budget Request

	DMH Req.	Governor's Rec.	House Rec.
<b>RECURRING</b>			
Crisis Stabilization Units	\$1,000,000	-	-
Improving Local Access	\$1,000,000	-	-
Sexually Violent Predator Treatment Program	\$481,974	\$481,974	\$481,974
Contractual Adjustment - Inpatient Services	\$1,334,424	\$1,334,424	\$1,334,424
School Mental Health Services	\$1,250,000	\$2,200,000	\$2,200,000
Psychiatric Medical Services	\$1,394,000	-	-
First Episode Psychosis (FEP) Programs	\$600,000	-	-
Additional Community Supportive Housing	\$2,400,000	-	-
Information Technology	\$2,600,000	\$1,550,000	\$1,550,000
DMH Crime Victims Counseling Support	\$1,750,000	-	-
Long Term Care Division	\$250,000	-	-
Funds for Appointed Counsel in Civil Commitment Proceedings	\$800,000	-	-
<b>TOTAL RECURRING</b>	<b>\$14,860,398</b>	<b>\$5,566,398</b>	<b>\$5,566,398</b>
<b>NON-RECURRING</b>			
Community Mental Health Services - Outpatient Electronic Health Record	\$4,500,000	-	-
<b>TOTAL NON-RECURRING</b>	<b>\$4,500,000</b>	<b>-</b>	<b>-</b>
<b>CAPITAL</b>			
Certification of State Match (VA Nursing Homes)	\$37,065,450	\$37,065,450	\$37,065,450
Suicide Prevention - Ligature Resistant Fixtures	\$1,252,786	-	-
Catawba Mental Health Center Construction	\$12,430,000	-	-
Anderson-Oconee-Pickens Mental Health Center Construction	\$12,430,000	-	-
NE Campus Electrical Distribution System Renovations	\$3,600,000	-	-
Community Buildings Deferred Maintenance	\$3,000,000	-	-
Columbia Area MHC Phase III Construction	\$4,000,000	-	-
Campbell Veterans Nursing Home Renovations	\$3,940,000	\$3,940,000	-
Roddey Pavilion Renovations (Flooring, Laundry)	\$2,000,000	-	-
<b>TOTAL CAPITAL</b>	<b>\$79,718,236</b>	<b>\$41,005,450</b>	<b>\$37,065,450</b>
<b>GRAND TOTAL REQUEST</b>	<b>\$99,078,634</b>	<b>\$46,571,848</b>	<b>\$42,631,848</b>
Increase in Federal Authorization	\$3,100,000	\$3,100,000	\$3,100,000

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